

EXHIBIT “D”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x
PETER GRAF and NANCY KUNAK,

Plaintiffs,

- against -

PAOLA B. COLON,

Defendant.

Index No.: 23329/06

SUMMONS

Plaintiffs designate Westchester
County as the place of trial.

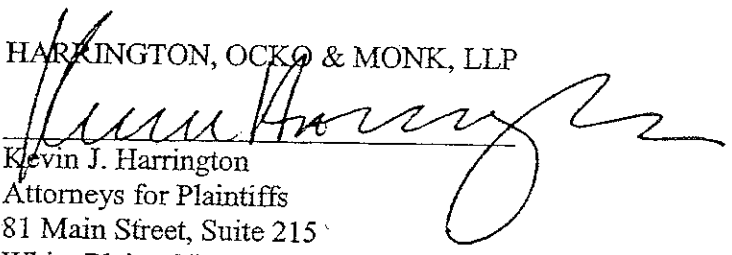
The basis of Venue is Plaintiffs'
residence
Peter Graf
87 Holly Place
Briarcliff Manor, New York
10510

To the above named DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action which is hereby served upon you and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, upon the undersigned attorneys for plaintiffs within twenty (20) days of service of this summons, exclusive of the day of service or within thirty (30) days after completion of service if this summons is not personally delivered to you within the State of New York and in case of your failure to appear or answer the complaint judgment will be taken against you by default for the relief demanded in the complaint.

Dated: White Plains, New York
November 28, 2006

HARRINGTON, OCKO & MONK, LLP


Kevin J. Harrington
Attorneys for Plaintiffs
81 Main Street, Suite 215
White Plains, NY 10601
(914) 686-4800

Defendant's Address:

Paola B. Colon
158 Maple Avenue
Rahway, New Jersey

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
PETER GRAF and NANCY KUNAK,

COMPLAINT

- against -

PAOLA B. COLON,

Plaintiffs,
-----X
Defendant.

Index No. 23329/c6

Plaintiffs, PETER GRAF and NANCY KUNAK, complaining of the defendant, PAOLA B. COLON, by and through their attorneys, Harrington, Ocko & Monk, LLP respectfully set forth and allege, as follows:

AS AND FOR A FIRST CAUSE OF ACTION (SLANDER)

FIRST: At all times hereinafter mentioned, plaintiff, PETER GRAF, is an individual residing in the county and State of New York, a Certified Public Accountant and a principal of Graf Repetti & Co., LLP, a limited liability partnership organized and existing under and by virtue of the laws of the State of New York with a principal place of business located at 1114 Avenue of the Americas, New York, New York 10036.

SECOND: Plaintiff, PETER GRAF, has been a principal of Graf Repetti & Co., LLP, a limited liability partnership engaged in the practice of accounting, auditing and tax preparation services serving both national and international clients.

THIRD: That prior to the utterance of the false and defamatory words hereinafter set forth, plaintiff, PETER GRAF, had a good personal and professional reputation.

FOURTH: At all times hereinafter mentioned, plaintiff, NANCY KUNAK, is an individual residing in the State of New York and an at will employee of Graf Repetti & Co, LLP for over twenty-one years.

FIFTH: That prior to the utterance of the false and defamatory words hereinafter set forth, plaintiff, NANCY KUNAK, had a good personal and professional reputation.

SIXTH: At all times hereinafter mentioned, defendant, Paola B. Colon, was an individual residing in the State of New Jersey.

SEVENTH: That prior to and including November 20, 2006, defendant, Paola B. Colon, was an at will employee of Graf Repetti & Co., LLP at its offices located at 1114 Avenue of the Americas, New York, New York 10036.

EIGHTH: That prior to November 15, 2006, that defendant, Paola B. Colon, while on maternity leave from her employment at Graf Repetti & Co., LLP, continued to perform services for Graf Repetti & Co., LLP both at the business location at 1114 Avenue of the Americas, New York, New York 10036 and from remote locations, including her principal residence in Rahway, New Jersey.

NINTH: That on November 15, 2006, Graf Repetti & Co., LLP conducted a monthly administrative staff meeting attended by approximately twenty staff members of Graf Repetti & Co., LLP, including plaintiff, NANCY KUNAK. This staff meeting was held at 1114 Avenue of the Americas, New York, New York commencing at approximately 5:30 pm.

TENTH: That on November 15, 2006, defendant, Paola B. Colon, attended the monthly staff meeting via telephone speakerphone.

ELEVENTH: That on November 15, 2006, while participating in the monthly staff meeting via telephone speakerphone, when the Director of Human Resources mentioned the firm's upcoming scheduled holiday party, defendant, Paola B. Colon, stated that plaintiff, NANCY KUNAK, "was dancing on the tables at a party".

TWELFTH: That on November 15, 2006, while participating in the monthly staff meeting via telephone speakerphone, defendant, Paola B. Colon, stated about plaintiff, NANCY KUNAK, "Nancy (Kunak) flashed Peter (Graf) her boobs at the last holiday party".

THIRTEENTH: That on November 15, 2006, while participating in the monthly staff meeting via telephone speakerphone, defendant, Paola B. Colon, knowingly, intentionally and maliciously published the aforementioned false and defamatory statement to approximately twenty Graf Repetti & Co., LLP employees in attendance at the monthly staff meeting, including plaintiff, NANCY KUNAK.

FOURTEENTH: That on November 15, 2006, while participating in the monthly staff meeting via telephone speakerphone, defendant, Paola B. Colon, published the aforementioned false and defamatory statements to approximately twenty Graf Repetti & Co., LLP employees in attendance at the monthly staff meeting, including NANCY KUNAK with knowledge that they were false and with the intention to cause damage to the good name and reputation of plaintiffs, PETER GRAF and NANCY KUNAK.

FIFTEENTH: That as a result of defendant, Paola B. Colon's, false statements plaintiff, PETER GRAF, was caused to suffer damage to his personal and business reputation.

SIXTEENTH: That as a result of defendant, Paola B. Colon's, false statements plaintiff, NANCY KUNAK, was caused to suffer damage to her personal and business reputation.

SEVENTEENTH: That by reason of the foregoing, plaintiffs, PETER GRAF and NANCY KUNAK, have suffered damages in an amount that exceeds the jurisdictional limitations of all lower courts which would otherwise have had jurisdiction.

WHEREFORE, plaintiffs, PETER GRAF and NANCY KUNAK, demand relief against the defendant.

AS AND FOR A SECOND CAUSE OF ACTION (SLANDER PER SE)

EIGHTEENTH: Plaintiffs, PETER GRAF and NANCY KUNAK repeat, reiterate and reallege each and every allegation contained in paragraphs "FIRST" through "SEVENTEENTH" with the same force and effect as if herein set forth at length.

NINETEENTH: Defendant, Paola B. Colon, knowingly and maliciously uttered the aforementioned false and defamatory statements about plaintiff, PETER GRAF, a principal of Graf Repetti & Co., LLP during a business meeting and in the presence of approximately twenty employees of Graf Repetti & Co., LLP, intending to cause plaintiff, PETER GRAF, harm to his reputation in his business and profession.

TWENTIETH: The aforementioned false and defamatory statements uttered by defendant, Paola B. Colon, regarding plaintiff, PETER GRAF, caused injury to the business and profession of plaintiff, PETER GRAF.

TWENTY-FIRST: Defendant, Paola B. Colon, knowingly and maliciously uttered the aforementioned false and defamatory statements to and about an employee of Graf Repetti & Co., LLP, plaintiff, NANCY KUNAK, during a business meeting and in the presence of approximately twenty employees of Graf Repetti & Co., LLP, intending to cause plaintiff, NANCY KUNAK, harm to her business and professional reputation.

TWENTY-SECOND: The aforementioned false and defamatory statements uttered by defendant, Paola B. Colon, regarding plaintiff, NANCY KUNAK, caused injury to plaintiff NANCY KUNAK's business and professional reputation.

TWENTY -THIRD: Defendant, Paola B. Colon, knowingly and maliciously uttered the aforementioned false and defamatory statements about plaintiff, NANCY KUNAK, to damage her personal and moral reputation.

TWENTY-FOURTH: The aforementioned false and defamatory statements uttered by defendant, Paola B. Colon, regarding plaintiff, NANCY KUNAK, caused injury to plaintiff, NANCY KUNAK's, personal and moral reputation.

TWENTY-FIFTH: That by reason of the forgoing, the plaintiffs, PETER GRAF and NANCY KUNAK, have suffered damages in an amount that exceeds the jurisdictional limitations of all lower courts which would otherwise have had jurisdiction.

WHEREFORE, plaintiffs, PETER GRAF and NANCY KUNAK, demand relief against the defendant.

AS AND FOR A THIRD CAUSE OF ACTION
(INFLECTION OF EMOTIONAL DISTRESS)

TWENTY-SIXTH: Plaintiffs, PETER GRAF and NANCY KUNAK, repeat, reiterate and reallege each and every allegation contained in paragraphs "FIRST" through "TWENTY-FIFTH" with the same force and effect as if herein set forth at length.

TWENTY-SEVENTH: Defendant, Paola B. Colon, uttered the aforementioned false and defamatory statements about a principal, plaintiff, PETER GRAF, and to and about an employee of Graf Repetti & Co, LLP, plaintiff NANCY KUNAK, in the presence of approximately twenty employees of Graf Repetti & Co. LLP during a business meeting.

TWENTY-EIGHTH: Defendant, Paola B. Colon's, conduct exceeded the bounds of decency tolerable in a civilized society.

TWENTY-NINTH: Defendant, Paola B. Colon, intended, by uttering the aforementioned false and defamatory statements, to cause the plaintiff, PETER GRAF, to suffer severe mental and emotional distress.

THIRTIETH: Defendant, Paola B. Colon, intended, by uttering the aforementioned false and defamatory statements, to cause the plaintiff, NANCY KUNAK, to suffer severe mental and emotional distress.

THIRTY-FIRST That as a result of defendant, Paola B. Colon's, utterance of the aforementioned false and defamatory statements, plaintiff, PETER GRAF, suffered severe mental and emotional distress.

THIRTY-SECOND: That as a result of defendant, Paola B. Colon's, utterance of the aforementioned false and defamatory statements, plaintiff, NANCY KUNAK, suffered severe mental and emotional distress.

THIRTY-THIRD: That by reason of the forgoing, the plaintiffs, PETER GRAF and NANCY KUNAK, have suffered damages in an amount that exceeds the jurisdictional limitations of all lower courts which would otherwise have had jurisdiction.

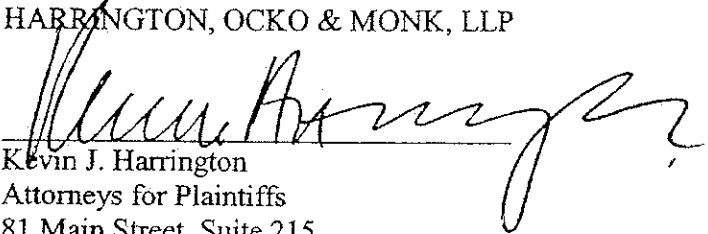
WHEREFORE, plaintiffs, PETER GRAF and NANCY KUNAK demand judgment as follows:

- (1) On the first cause of action, judgment in favor of plaintiff, PETER GRAF, and against defendant in the sum of \$1,000,000 in special damages;
- (2) On the second cause of action, judgment in favor of plaintiff, PETER GRAF, and against defendant in the sum of \$1,000,000 compensatory and \$1,000,000 in punitive damages;
- (3) On the third cause of action, judgment in favor of plaintiff, PETER GRAF, and against defendant in the sum of \$1,000,000;
- (4) On the first cause of action, judgment in favor of plaintiff, NANCY KUNAK, and against defendant in the sum of \$1,000,000 in special damages;
- (5) On the second cause of action, judgment in favor of plaintiff, NANCY KUNAK, and against defendant in the sum of \$1,000,000 compensatory and \$1,000,000 in punitive damages;

(6) On the third cause of action, judgment in favor of plaintiff, NANCY KUNAK, and against defendant in the sum of \$1,000,000; together with all costs, disbursements and attorneys fees in connection with this action.

Dated: White Plains, New York
November 28, 2006

HARRINGTON, OCKO & MONK, LLP



Kevin J. Harrington
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